

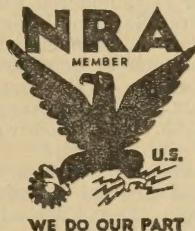
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

RETAIL TRADE

AS APPROVED ON SEPTEMBER 21, 1934



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Approved Code No. 60—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
RETAIL TRADE

As Approved on September 21, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
RETAIL TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Retail Trade, and hearings having been duly held thereon and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

ROBERT L. HOUSTON,
Division Administrator.

WASHINGTON, D.C.,
September 21, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: The Hearing on the amendment to the Code of Fair Competition for the Retail Trade was held on August 27, 1934 in Room # 2062, Department of Commerce Building. The amendment, which is attached, was presented by duly qualified and authorized representatives of the Trade, complying with statutory requirements, such representatives being members of the National Retail Code Authority, Inc.

In accordance with the customary procedure, everyone present who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons I have approved said amendment to the Code of Fair Competition for the Retail Trade.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SEPTEMBER 21, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL TRADE

Article IX is hereby amended by adding a new Section as follows:

SECTION 5. No retailer shall give, offer to give or cause to be given to any person, free of charge, any article of value or any service, when delivery of such article or the performance of such service is conditional upon said person taking part in any scheme of chance or in a contest unless such contest does not violate the lottery or gambling laws of the State or of the United States, and unless such contest in addition fulfills the following conditions:

(1) That the rules of the contest be clearly defined and strictly adhered to in making the awards thereunder.

(2) That the determination of the winner of such contest be not influenced by the laws of chance but by merit.

(3) That there be appointed, or selected, a sufficient staff of competent and disinterested persons to act as judges who shall give equal consideration to the suggestions of all entrants.

(4) That all employees of the establishment and their immediate families be declared ineligible to compete in such contest.

Approved Code No. 60—Amendment No. 5.

Registry No. 1625-2-02.

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